

REMARKS

Claims 1-60 were pending in the present application. Claims 1-60 have been rejected in the Office Action of September 21, 2005. Claims 1-60 are still pending. Reconsideration of the Office Action of September 21, 2005 and allowance of the above-captioned patent application are respectfully requested in view of the following remarks.

Claim Rejections – 35 USC §103(a):

In the Office Action, claims 1-60 have been rejected under 35 USC §103(a) as allegedly being unpatentable over Failures (Top 10 Corporate IT Failures In the 1990's <http://www.computerworld.com/news/2002/story/0.11280,74620,00.htm>) and CIO (<http://www.cio.com/archive/101599/intro.html>).

With respect to independent claim 1, the examiner alleges in the Office Action that CIO teaches all of the limitations of the claim, except that CIO does not teach “event” in the sense of the claim. While applicant agrees that CIO does not disclose or teach “event” in the sense of the claims, applicant traverses the rejection based on the examiner’s allegation that CIO teaches all of the other limitations of claim 1.

Essentially the same reasoning is provided with respect to independent claim 36. As such, applicant also traverses the rejection of claim 36. Applicant notes that no specific reasoning (other than the generalization that the features of these claims are well known in the art) is provided in the Office Action for the rejection of the other independent claims, claims 45, 51, and 56.

The examiner alleges in the Office Action that Failures teaches “event” for the motivation of having easier integration of events by companies that do business regarding events (such as hotel and rental car companies). The examiner further alleges that it would have been obvious to those of ordinary skill in the art at the time of the claimed invention to combine the teachings of CIO and Failures for the motivation noted above so as to teach the claimed invention.

Applicant respectfully traverses the rejections under 35 U.S.C. § 103(a) and submits that the cited art, taken alone or in combination, does not teach or suggest applicant’s unique invention, as recited in the claims of the present application.

For an examiner to make a rejection based on obviousness, 35 U.S.C. §103(a) and MPEP §2141 require adherence to the following tenets of patent law: (A) the claimed invention must be considered as a whole; (B) the references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination; (C) the references must be viewed without the benefit of impermissible hindsight vision afforded by the claimed invention; and (D) reasonable expectation of success is the standard with which obviousness is determined.

To establish a prima facie obviousness, MPEP §2142 requires that an examiner bear the initial burden of factually supporting any prima facie conclusion of obviousness. There must first be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference or references when combined must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

It is respectfully submitted that the examiner has not established a prima facie case of obviousness for several reasons, as explained in more detail below.

The CIO reference

The CIO reference is a short summary disclosing problems associated with the implementation of Enterprise Resource Planning (ERP) projects.

ERP is a term derived from manufacturing resource planning (MRP II) that followed materials requirements planning (MRP). ERP or ERP software can generally be used by an organization to facilitate the manufacturing process. In addition, ERPs are often referred to as back office systems indicating that individual employees, customers, suppliers, and outside vendors are not directly involved.

In addition to describing an ERP system, which is a different and unrelated system from either the reservation system of the Failures reference and the claimed event-based scheduling system of the present application, the CIO reference does not disclose all of the limitations of the independent claims (see, for example, independent claim 1 – portions of

which are reproduced below). For example, as admitted by the examiner the CIO reference is not an event-based scheduling system. Also, like the various systems disclosed in the background section of the present application, ERP systems are centralized scheduling systems. For example, the CIO reference refers to order entry clerks. *See*, CIO reference at page 2, first paragraph.

The Failures reference

The Failures reference does not cure the deficiencies of the CIO reference. The Failures reference discloses "a look at projects that bombed." *See*, Failures, sub-title. The first example provided is of the "Confirm" reservation system for hotel and rental car bookings. *See*, Failures at page 1, paragraph no. 1. The "Confirm" reservation system is not an event-based scheduling system as defined in the present application and recited in the claims (see below), but rather is a reservation system, specifically a reservation system for hotel and rental car bookings.

It is respectfully submitted that the cited references do not make obvious the claimed subject matter of independent claims 1, 36, 45, 51, and 56 (and their dependent claims) because the references fail to disclose or teach one or more features of the independent claims. *See*, MPEP 2143.03. All the words in a claim must be considered in judging patentability of a claim against the prior art. Looking at all of the words of, for example, the independent claims of the present application shows that the claimed subject matter is not disclosed or taught by the cited references.

For example with respect to independent claim 1, the art of record does not disclose or teach an event scheduling interface that accepts data from an individual event participant relating to said event. Also, the art of record does not disclose or teach an event-based scheduling system responsive to data from said event scheduling interface, said data relating to at least two tasks associated with said event, said event-based scheduling system scheduling the provisions of said at least two tasks at the request of said event participant and linking each of said at least two tasks to said event within said event-based scheduling system. In addition, the art of record does not disclose or teach the scheduling of said

provisions of said event and said at least two tasks being performed by said individual event participant at a computing platform without the intervention of a centralized event planner.

The patent application defines the claim term "event" as intending to encompass, but not be limited to:

any meeting or gathering of, or communication between, more than one person at a specific time, including but not limited to in-person, telephonically, electronically, digitally, audio, visual, or the like. An "event" can be held in more than one place or location, and the locations may be owned or operated by one or more event participants or organizations.

See, patent application at page 12.

In addition, the patent application defines the claim term "event participant" as intending to encompass, but not be limited to:

any person attending an event or a person or system providing input for or supporting an event, including but not limited to anyone attending an event, anyone participating in the event, or anyone not attending, but having access to or authority to provide information, schedule, or status an event, such as an attendee's representative. An "event participant" is also referred to herein as "end user", "client", "customer", "employee", or the like. Event participant" may also include a service provider or outside vendor of services associated with the event.

Id. at pages 12-13.

It is respectfully submitted that the claimed invention as a whole would not have been obvious and that the examiner has failed to present a convincing line of reasoning as to why a skilled artisan would have found the claimed invention to have been obvious, at the time of the invention, in light of the teachings of the cited references. Consideration of the entire record, including evidence in the specification supporting the patentability of the claimed invention supports a finding of patentability in the instant case.

With respect to the other independent claims (independent claims 36, 45, 51, and 56), it is respectfully submitted that these claims recite limitations that are similar to the claim terms discussed above with respect to claim 1. Therefore, it is respectfully submitted that these claims are in condition for allowance for the same reasons provided with respect to claim 1 above.

The other references of record do not cure the deficiencies of the cited references. If an independent claim is nonobvious under 35 U.S.C. §103(a), then any claim depending therefrom is nonobvious. *See*, MPEP 2143.03. Accordingly, withdrawal of the rejections of the claims under 35 U.S.C. §103(a) is requested.

Further, it is respectfully submitted that the disclosure of the cited references themselves fail to teach or suggest to make the claimed combination, and also fail to provide the reasonable expectation of success that is required to make out a prima facie case of obviousness. *See e.g.*, MPEP §2143. The CIO reference is generally directed to ERP projects and the Failures reference is generally directed to a failed reservation system. The sparse disclosures of each of the cited references do not include any teaching or suggestion to combine references. It is impermissible to look to applicant's disclosure for the required teaching or motivation of the desirability of the combination.

It is respectfully submitted that the examiner's statement of motivation in the office action is insufficient to support a prima facie case of obviousness. This statement assumes that the cited references are directed to related technology, which for the reasons stated above applicant submits they are not. Further, neither relates to an event-based scheduling system described and claimed in the present application.

For this additional reason, withdrawal of the rejection of the claims under 35 U.S.C. §103 is requested.

Moreover, it is submitted that the Failures reference is an insufficient, non-enabling, and inoperable reference. The Failures reference only discloses that a "Confirm" reservation system for hotel and car reservations failed to operate as intended, thus admitting that the "Confirm" reservation system was inoperable. Further, it does not disclose any details or features of the "Confirm" reservation system, the software for the system, how the system works, or any other detail or feature of the system. As such this non-enabling and insufficient reference also fails to teach the subject matter claimed in the present application. This limited disclosure is not sufficient for one of ordinary skill in the art to implement the features of the "Confirm" reservation system, or the claimed features of the present

invention, using the Failures disclosure as a guide, because the features recited in the claims simply are not disclosed. *See*, MPEP §§716.07; 716.09; and 2121.01.

Further, the Failures reference is directed to a completely unrelated reservation system and not an event-based scheduling system. At best, the Failures reference is an example of a long-felt need and failure of others in the area of reservation systems. This reference is not an example of a need having been satisfied by another before the invention by applicant, but rather it is evidence of failed efforts to solve a different problem, *e.g.*, a resource reservation system. *See*, MPEP §716.04.

Further regarding the dependent claims, the Office Action states that the features of claim 2 are well known in the art for the purposes of easier programming and or easier handling information across computers. With respect to the other dependent claims, including claims 3-35, 37-44, 46-50, 52-55, and 57-60, the Office Action states that the features of these claims are well known in the art for the purposes of handling information across computers and of automating event systems. These rejections are traversed.

The examiner has ignored the claim limitations and simply made a conclusionary statement that such particular features are well known. The examiner has not cited a single piece of prior art (or combination of prior art references) that discloses or teaches all of the features recited in claims 3-35, 37-44, 46-50, 52-55, and 57-60 and therefore it is respectfully submitted that the examiner has not established a *prima facie* case of obviousness as to those claims. It is respectfully submitted that these allegations without more and/or reliance on common knowledge in the art is insufficient to meet the basic requirements of a *prima facie* case of obviousness.

Applicant traverses the obviousness rejections based on “well known in the art” and request that the examiner cite a reference (or references) in support of his positions, as required by MPEP 2144.03. Alternatively if the rejection is based on facts within the personal knowledge of the examiner, applicant requests that the examiner specifically set forth the data and/or facts that are being relied upon support of such allegations in an affidavit from the examiner, in accordance with MPEP 2144.03. Such an affidavit will provide an opportunity for applicant to evaluate the basis of the current rejections in order to contradict the allegations or further explain the invention.

Furthermore, applicant has provided numerous examples within the specification of the benefits and advantages that the claimed features provide, such as: providing for the accurate and efficient scheduling of events, as well as ancillary products and services associated with an event in a time and cost efficient manner; allowing end-users to accurately schedule and determine the status of events, and the provisions of ancillary products and/or services associated with an event; reducing cost and minimizing the number for personnel required to schedule and determine the status of events; providing a company with an improved operating position, a better economic analysis for staffing and event planning; decentralizing event planning and empowering individual event participants to schedule, update, and status events, and the ancillary products and services associated with an event; providing vertical and/or horizontal integration of tasks and sub-tasks; providing a connected, web-based system that may be remotely accessed; cross-integration and synchronization across multiple departments/companies/systems; real-time status monitoring; etc. Even assuming *arguendo* that the examiner has made a prima facie case of obviousness, and applicant is not admitting that the examiner has, this subjective evidence disclosed in the specification of the present application rebuts any alleged prima facie case of obviousness. Accordingly, withdrawal of the rejection of the claims is requested for this additional reason.

Reconsideration and withdrawal of the rejection of claims 1-60 under 35 U.S.C. §103(a) is requested in view of the above remarks.

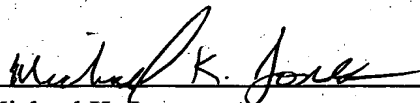
DOCKET NO.: ARA-0442
Application No.: 09/883,540
Office Action Dated: September 21, 2005

PATENT

CONCLUSION

In view of the foregoing remarks, applicant submits that the above-identified application is in condition for allowance. Reconsideration of the present Office Action and an early notification to this effect is respectfully requested. If the examiner has any questions regarding this response, the examiner is invited to contact the undersigned attorney at (215) 568-3100.

Date: March 9, 2006



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